

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ROBERTA COSGROVE, et al.

Plaintiffs,

VS.

CITY OF PLANO, TEXAS

Defendant.

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Case No. 4:13cv660

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 5, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant City of Plano's Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. 6) be GRANTED in part, that Plaintiff's procedural due process claim under Section 1983, Plaintiffs' claims of other civil rights violations under Section 1983, and any claim for a violation of the *Ex Post Facto* Clause be dismissed with prejudice, and that Plaintiffs be granted the opportunity to amend their complaint as to their substantive due process claims.

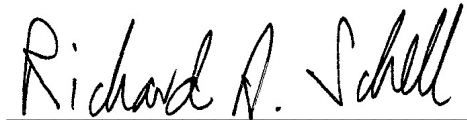
The court has made a *de novo* review of the objections raised by Plaintiffs and Defendant's response and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendant City of Plano's Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. 6) is GRANTED in part and Plaintiff's procedural due process claim under Section 1983, Plaintiffs' claims of other civil rights violations under Section 1983, and any claim for a violation of the *Ex Post Facto* Clause are dismissed with prejudice.

Plaintiffs' substantive due process claims remain at this time.

IT IS SO ORDERED.

SIGNED this the 29th day of September, 2014.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a capital 'R' and a period. The last name "Schell" is written with a capital 'S' and a period. The signature is positioned above a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE